



## Halacha Highlight

### Passing by someone who is *davening*

Shulchan Aruch Siman 102 Seif 4

אסור לעבר כנגד המתפללים בתוך ארבע אמות

It is prohibited to pass within four *amos* of someone who is *davening*

Shulchan Aruch (סעי' ד') writes that it is prohibited to pass within four *amos* of someone who is *davening*. This restriction is limited to passing in front, but it is permitted to pass and stand on his side. Mishnah Berurah (ס"ק ט"ו) offers two reasons for this restriction. The first explanation is that passing in front of someone is distracting and it is therefore also prohibited to pass before someone who is reading *shema*. Chaye Adam explains that passing in front of someone who is *davening* is comparable to interrupting between the one *davening* and the Divine Presence with whom he is communicating.

*Poskim* discuss different cases in which it may be permitted to walk in front of someone who is *davening*. Biur Halacha (ד"ה אסור לעבר) cites Ma'amar Mordechai who maintains that as long as the one *davening* will not be distracted, e.g. he has his *talis* pulled over his head; it is permitted to pass before him. He concludes, however, that it is appropriate for one to be stringent about this matter. Biur Halacha adds that one should certainly adopt a stringent approach to this matter since according to Chaye Adam the fact that the one *davening* has his *talis* over his head does not mitigate the fact that he is walking between the one *davening* and the Divine Presence.

Mishnah Berurah (ס"ק ט"ו) references Zohar that prohibits walking even to the side of one who is *davening*. Toras Chaim observes that kohanim that go to *duchun* typically walk to the side of the *shaliach tzibbur*. Seemingly, according to Zohar this is incorrect behavior. He answers that since it is a necessity of *davening* it is permitted. Minchas Yitzchok (ח"ח ס"י י"ג) also rules that for the sake of a *mitzvah* it is permitted to pass by the side of one who is *davening*.

## Overview

### Siman 102 Seif 1:

It is prohibited to sit within four *amos* of someone who is *davening*. Whether one sits in front of him or to his side (or even behind him) one is obligated to distance himself four *amos* from the one *davening*. If one is involved in *tefila* related matters, even איזהו מקומן פרק, it is unnecessary for one to distance himself and there is an opinion that is lenient if one is engaged in Torah study even if it is not *tefila* related. According to some this applies only when one is to his side but in front of him it is prohibited to sit as far as he can see even if one is reading *shema*.

- ❖ Even leaning on something is prohibited but one may be lenient in a difficult circumstance if he is leaning on something that if it were removed he would remain standing. (M.B. 1)
- ❖ If the one *davening* is behind something permanent that is ten tefachim high and four tefachim wide it is permitted to sit on the other side since he is in a different domain but it is possible that if he could see on the other side it is prohibited. (M.B. 2)
- ❖ This restriction applies even if the one *davening* is saying the supplications that follow *shemone esrei*. (M.B. 3)
- ❖ The same halacha is true for someone studying *Pireki Avos* at *mincha* on *Shabbos*. (M.B. 5)
- ❖ Later authorities agree that one should be stringent in accordance with the first opinion unless it is a pressing circumstance. It seems that it is unnecessary to be stringent if one is sitting behind the one who is *davening*. (M.B. 6)
- ❖ The leniency applies only when one is studying Torah out loud but if one is reading the words in his head he may not sit even if he is *davening*. (M.B. 7)
- ❖ There are two reasons for this halacha, either it looks as though the one *davening* is bowing to the one sitting or sitting in front of one *davening* is distracting to the one *davening*. (M.B. 8)

## Stories to Share

### Respect for the Tzibbur and the Torah

מ"ב ב' ס' ק"ב, ס"ק ט"ו: "מפני שמבטל כונתו... מפני שמפסיק בין המתפלל להשכינה"

It is a very great advantage to daven slowly, word by word. But it would be better for meticulous daveners to either pray where people do not need to pass, or to pray in a shul where they daven slowly. But sometimes there is no choice. For one very slow daveners the only minyan in town finished *shemoneh esrei* before he was ready to take three steps back. When people need to take the Torah out of the aron and someone is still praying near the front of the room, this creates tension. Should the *tzibbur* wait for the daveners to finish? Although it appeared that way to the *gabaim* of the synagogue, they decided to ask just to be sure.

When this question reached Rav Yosef Shalom Elyashiv, zt"l, he ruled that they can definitely pass in front of a person in the middle of *shemoneh esrei* in order to take the *sefer Torah* out for. "It is permitted to walk in front of one who is still praying *shemoneh esrei* to take out the Torah because it is considered undue inconveniencing of the *tzibbur* to force the minyan to wait for him."

"And it is obvious that one can return the Torah without delaying as well. Waiting for this man to finish *davening* displays a lack of respect towards the Torah, as we find in the *Eshel Avraham*."

שוקי חמד, מגילה, ע' רצ"ב

- ❖ Most later authorities follow the second stringent position and it seems that if one standing more than four *amos* away one need not be stringent. (M.B. 9)

### Siman 102 Seif 2:

There is an opinion that is lenient if the one who is sitting is ill.

- ❖ This leniency applies only if it is evident that he is ill and it only allows him to sit on the side. (M.B. 10)
- ❖ One may rely on this opinion if one cannot move four *amos* away to sit. (M.B. 11)

### Siman 102 Seif 3:

If one was already sitting and someone began to *daven* within his four *amos* he is not required to stand since the other fellow entered his domain. (Nevertheless, it is a pious act to stand up even in this case)

- ❖ This ruling applies in one's home but in the *Bais HaKnesses* one must stand since it is a place that is designated for *davening*. One who was studying Torah is not obligated to rise and certainly if a *rebbe* was teaching his students and a *minyan* came to *daven* he is not obligated to rise even out of piety. (M.B. 13)

### Siman 102 Seif 4:

It is prohibited to pass within four *amos* of one who is *davening*. This applies when passing in front but to the sides is permitted.

- ❖ The reason is that it distracts the one *davening*, therefore one may not even pass in front of someone who is reading *shema*. Chaye Adam writes that the reason is because it interposes between the one *davening* and the Divine Presence. (M.B. 15)
- ❖ There is a disagreement about passing to the side that is also in front of him. (M.B. 16)
- ❖ Zohar warns against passing even to the side. (M.B. 17)
- ❖ According to Magen Avrohom anytime one will be in the line of vision of the one *davening* it is prohibited since it will distract him. According to Elya Rabba the restriction is limited to passing in front of him within four *amos* but to walk in front of him and stand is permitted and it is possible one may be lenient in a pressing circumstance. (M.B. 18)

### Siman 102 Seif 5:

If one finished his *tefila* but the person behind him did not it is prohibited to take the three steps back until the one in back finishes his *tefila* because to do so would violate the prohibition against walking in front of one who is *davening*. One should be careful about this even if the one in back started *davening* after the one in front had already begun.

- ❖ If the one in back is not directly in back but is off to the sides it would be permitted according to Elya Rabba (see M.B. 18). (M.B. 19)